

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 20, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-64 – Provides that Planning Commission action on most special use permits is final, unless appealed or requested for review by a member of the City Council, and modifies certain provisions regarding related hearings and appeals so as to conform to State law.

Sponsored by: Councilman Gary Reese

Fiscal Impact

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No Impact

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Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Special use permit (SUP) applications currently require final action by the City Council. This bill, the essence of which was originally proposed in 2004, is intended to reduce the SUP “caseload” of the Council by providing that Planning Commission action on most SUP applications is final. Planning Commission decisions on SUP’s will continue to be appealable to the Council, and members of the Council may request review of Planning Commission decisions. The bill will also incorporate State law requirements concerning zoning-related hearings and appeals.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2007-64

Motion made by RICKI Y. BARLOW to Hold In Abeyance to 1/15/2008

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 20, 2007

FLINN FAGG, Planning and Development Department, explained that this bill would allow the decision of the Planning Commission to be final action on most Special Use Permits or SUPS. He stated exceptions would include any SUPS requested by a Councilmember to be presented to the Council, any appeals and multiple applications, including SUPs, that move together. Those SUPs would still be heard by the City Council. He explained this would make the City's process consistent with the processes of other agencies in the Valley and he recommended approval.

TEDDY RUSSELL, Las Vegas resident, concurred with MR. FLAGG and recommended approval.

COUNCILWOMAN TARKANIAN expressed her opposition to this bill. She expressed concern that this bill takes away from the public meeting and may take away some of the Council Authority. She could not support it in light of the raise being considered for the Councilmembers and the idea that this bill would take away items that interest the public, noting too much is done out of the public eye.

COUNCILMAN BARLOW expressed concern with making the responsibility of the final decision on SUPs on the Planning Commission. Due to issues in his Ward related to SUPs, he noted his reluctance to give up his decision-making ability in this area and stated he could not support this item.

COUNCILWOMAN TARKANIAN wondered if it would be possible to drop the bill or hold it until it could be fixed. She noted the difficulty in obtaining pertinent information on SUPs had resulted in several cell phone towers being erected without the full benefit of the decision-making process.

COUNCILMAN BARLOW proposed a motion for no recommendation as he did not believe the responsibility of a final decision on SUPs should be left to the Planning Commission and he also pointed out the difficulty in bringing back before the Council already approved SUPs. He suggested that a special City Council meeting might be needed to make a decision on this item and expressed his preference for tabling the bill.

CHIEF DEPUTY CITY ATTORNEY VAL STEED suggested holding it in abeyance for a time certain, rather than tabling it, which would allow the entire Council to hear this item.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.